

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 17, 2004**

UNAPPROVED
November 22, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:23 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

S01-CW-10CP - OUT-OF-TURN PLAN AMENDMENT (Animal Control) (Decision Only)
(The public hearing on this application was held on October 6, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S01-CW-10CP, PUBLIC SAFETY, ANIMAL CONTROL, AS SHOWN ON PAGES 2 THROUGH 4 OF THE STAFF REPORT DATED SEPTEMBER 10, 2004.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Hopkins abstaining.

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RZ 2004-PR-018 - LANDMARK PROPERTY DEVELOPMENT, LLC (Decision Only)
(The public hearing on this application was held on October 14, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-PR-018, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED NOVEMBER 16, 2004.

Commissioner Lusk seconded the motion which carried unanimously.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE OF FOUR ACRES; A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT TO THE NORTH, WEST, AND SOUTHEAST, IN FAVOR OF THAT SHOWN ON THE GDP; A MODIFICATION OF THE BARRIER REQUIREMENT TO THE NORTH AND WEST, IN FAVOR OF THAT SHOWN ON THE GDP; AND A WAIVER OF THE BARRIER REQUIREMENT TO THE SOUTHEAST.

Commissioner Lusk seconded the motion which carried unanimously.

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FS-S04-65 – NEXTEL, 6001 Union Mill Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION ACCEPT FS-S04-65.

Commissioner Byers seconded the motion which carried unanimously.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. S04-III-UP1 – OUT-OF-TURN PLAN AMENDMENT (Hunter Mill)
2. S04-IV-RH1 – OUT-OF-TURN PLAN AMENDMENT (Lee)
3. SE 2004-SU-028 – SULLY NORTH INVESTMENTS L.C.
4. S04-CW-3CP – OUT-OF-TURN PLAN AMENDMENT (Public Facilities)
5. S01-CW-13CP – OUT-OF-TURN PLAN AMENDMENT (Fire and Rescue)
6. RZ/FDP 2004-SU-015 – NATIONAL CAPITAL LAND & DEVELOPMENT, INC.
7. RZ/FDP 2004-PR-008 – EDGEMOORE LAND, LLC
8. RZ 2004-MV-019- GBI CORPORATION

This order was accepted without objection.

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S04-III-UP1 – OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 5.2 ac. generally located on the west side of Old Reston Ave. in the Hunter Mill Magisterial District, Tax Map Number 17-4 ((1)) 1. The area is within the Reston-Herndon Suburban Center, Land Unit D-7, which is planned for commercial and other uses similar to those allowed in the Reston Town Center, and recommends preservation of the historic A. Smith Bowman House. The Plan Amendment will consider allowing conversion of office use to residential use and permitting the historic house to be used as a restaurant and inn, with the possibility of reallocating unbuilt density/intensity to Reston Town Center, Land Unit D-2. HUNTER MILL DISTRICT. PUBLIC HEARING.

Lindsay Mason, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Plan amendment.

In response to a question from Commissioner de la Fe, Fred Selden, PD, DPZ, explained that this area had previously been examined in a special study of the transit station area and therefore was not eligible under the current Area Plan Review (APR) process.

Responding to a question from Commissioner Harsel, Mr. Selden stated that the previously approved development plan for this site would allow all trees to be removed, but if the property whorizental ruleras rezoned, an effort would be made to preserve as many trees as possible.

In response to a question from Commissioner Harsel, Ms. Mason said the boxwoods on the property were English. Commissioner Harsel replied that English boxwoods were very rare and should be preserved. Commissioner de la Fe added that, if approved, the Out-of-Turn Plan Amendment (OTPA) would allow flexibility in the building location if it led to better protection of the historic resources on the site and preserved open space.

Mr. Selden responded to a question from Commissioner Hall about preserving an adequate buffer for both the W&OD trail and the Reston community trail. Commissioner de la Fe added that this issue would be addressed in a rezoning application and that he felt the proposed use was an improvement over the currently approved use. Commissioner Hall said she thought language regarding tree preservation should be included in the Comprehensive Plan.

Chairman Murphy called the listed speaker and recited rules for testimony before the Commission.

Bill Keefe, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, representing the owner of the property, stated that the proposed Plan amendment would preserve the major historic and environmental amenities on the site.

In response to a question from Commissioner de la Fe, Mr. Keefe said there was no intention of removing trees along the W&OD and Reston trails and how to best buffer the trails would be addressed at the rezoning stage.

There were no further speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S04-III-UP1, AS PRESENTED ON THE SHEET DATED NOVEMBER 17, 2004.

Commissioner Alcorn seconded the motion which carried unanimously.

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S04-IV-RH1 – OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 4.66 ac. generally located on the east side of Old Telegraph Rd., appx. 800 feet north of its intersection with Telegraph Rd. in the Lee Magisterial District, Tax Map Numbers 100-1 ((9)) 3, 4 and 100-2 ((1)) 1. The area is within the Rose Hill Planning District, Lehigh Community Planning Sector (RH4). The property is planned for residential use at 1-2 dwelling units per acre (du/ac) and alternative uses [residential use at 2-3 du/ac and retail and other uses up to .20 floor area ratio (FAR)] and is developed with an animal hospital. The Plan Amendment will consider providing an option to expand the animal hospital and increase residential density up to 2-3 du/ac. LEE DISTRICT. PUBLIC HEARING.

Denise James, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Plan amendment.

In response to a question from Commissioner Byers, Ms. James stated that during their review of the amendment, the Department of Transportation had not addressed the need for a left turn lane into the animal hospital, but that this issue would be addressed during the rezoning process.

Chairman Murphy called for speakers from the audience.

Bob Lawrence, Esquire with Reed, Smith, Hazel, and Thomas, representing the owners of parcels one and three of the subject property, submitted a letter for the record, dated October 1, 2004, in support of the proposed Plan amendment from Mr. and Mrs. Ray Armstrong, owners of an adjacent parcel. He stated the proposed configuration of the uses would be compatible with the planned and existing uses in the area, both residential and commercial. He said approval of the amendment would allow the animal hospital to expand to better serve the local communities.

There were no further speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF S04-IV-RH1, AS PROVIDED IN THE STAFF REPORT DATED NOVEMBER 3, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously.

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SE 2004-SU-028 - SULLY NORTH INVESTMENTS L.C. - Appl. under Sects. 9-616 of the Zoning Ordinance to permit a driveway for uses in an industrial district. Located at 13800 Barnsfield Rd. on approx. 2.79 ac. of land zoned R-1 and WS. Sully District. Tax Map 34-2 ((1)) 3 pt. SULLY DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire of Hunton and Williams LLP, reaffirmed the affidavit dated September 30, 2004. Commissioner Hart disclosed that his law firm had a case pending with Hunton and Williams LLP, but there was no financial relationship and it would not preclude his participation in this case.

Commissioner Koch asked Chairman Murphy to ascertain whether or not there was anyone present who wished to address this application. Receiving no response, Chairman Murphy waived the presentations by the applicant and staff, closed the public hearing, and recognized Commissioner Koch for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-SU-028, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 17, 2004, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Lusk not present for the vote.

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S04-CW-3CP - OUT-OF-TURN PLAN AMENDMENT (Public Facilities Update) - To update existing Public Facilities Planning District Tables and District-wide Public Facilities Recommendations of the Countywide Policy Plan Element of the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment will consider editorial changes to reflect facility name changes, closings, and new construction. It will also consider removing non-County facilities from the facilities tables. The Amendment also proposes corrections of typographical, punctuation, and grammatical errors. COUNTYWIDE. PUBLIC HEARING.

Andrea Dorlester, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Plan amendment.

David Marshall, PD, DPZ, responded to a question from Commissioner de la Fe about the rationale for leaving Wolf Trap Farm Park, a non-County facility, on the Existing Public Facilities table.

Commissioner Wilson noted that any proposed changes to the list would be accepted by staff prior to the Board of Supervisors' public hearing which was scheduled in three weeks.

There were no further speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S04-CW-3CP, AS SHOWN ON PAGES TWO THROUGH FIFTY OF THE STAFF REPORT DATED SEPTEMBER 10, 2004, WITH THE ADDITION OF THE MODIFICATIONS DESCRIBED AND AMENDED TO MAKE IT CLEAR THAT THERE ARE TWO SEPARATE FACILITIES.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Alcorn and Lusk not present for the vote.

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S01-CW-13CP - OUT-OF-TURN PLAN AMENDMENT (Fire and Rescue) - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment proposes to update information in the Fire and Rescue section of the Public Safety component of the Countywide Policy Plan Element of the Comprehensive Plan. The Amendment will update information on the County's Fire and Rescue operations and facilities; delete obsolete operational policies; increase the recommended minimum size of new fire stations; delete outdated policies for additional apparatus; and reflect the need for a fire boat docking facility. COUNTYWIDE. PUBLIC HEARING

Andrea Dorlester, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Plan amendment.

David Rohr, Assistant Chief, Fairfax County Fire and Rescue Department, responded to a question from Chairman Murphy about the acreage needed to build a fire station.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S01-CW-13CP AS SHOWN ON PAGES TWO THROUGH EIGHT OF THE STAFF REPORT DATED SEPTEMBER 23, 2004, AND ON PAGE ONE OF THE STAFF REPORT ADDENDUM DATED NOVEMBER 10, 2004.

Commissioners Byers and Wilson seconded the motion which carried unanimously.

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RZ/FDP 2004-SU-015 - NATIONAL CAPITAL LAND & DEVELOPMENT, INC. - Appls. to rezone from R-1, HD and WS to PDH-5, HD and WS to permit residential development at a density of 5.12 dwelling units per acre (du/ac) including bonus density for the provision of Affordable Dwelling Units (ADUs) and approval of the conceptual and final development plans. Located in the N.E. quadrant of the intersection of Centreville Rd. and Lowe St. on approx. 19.72 ac. of land. Comp. Plan Rec: Res. 3-4 du/ac and option, 4-5 du/ac. Tax Map 34-2 ((1)) 18; 34-4 ((1)) 4-6; 34-4 ((2)) 1-12; 34-4 ((3)) 1-4 and 6-12 and portions of Armfield St., Lowe St. and Louise Ave. public rights-of-way to be vacated and/or abandoned. (Approval of this application may enable the

vacation and/or abandonment of portions of the public rights-of-way for portions of Armfield St., Lowe St. and Louise Ave. to proceed under Section 15.2-2272 (2) of the Code of Virginia.) SULLY DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, of Venable LLP, reaffirmed the affidavit dated October 12, 2004. Commissioner Hart disclosed Venable LLP had represented the Board of Zoning Appeals previously but there was no financial relationship and it would not preclude his participation in this case.

Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Plan amendment.

Mr. Stearns explained that the applicant had worked closely with the Ox Hill subdivision, the Sully Land Use Committee, and the Chantilly Green Homeowners Association. He submitted a letter for the record from Timothy Murray, President of the Armfield Homeowners Association, Inc., dated November 15, 2004, stating all issues had been resolved. He said the proposed development would provide open space, recreational areas, trails, road improvements, parking, and was compatible with the two subdivisions in the area.

Ms. Swagler responded to questions from Commissioner Harsel about on-street parking as well as the limits of clearing and grading.

Commissioner Byers commended the applicant for setting the houses far enough apart from one another, for not having windows facing each other, and for specifying deck size.

Chairman Murphy called the first listed speaker.

Mary Lowe, 13770 Lowe Street, Chantilly, spoke in support of the proposed development and said it would be compatible with neighboring communities. (A copy of her remarks is in the date file.)

Brendy Hantzes, President of Chantilly Green Homeowners Association, expressed support for the proposed development and stated they were in continuing discussions with the applicant on several issues.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Stearns for rebuttal, to which he declined.

Commissioner Hart noted that the applicant had favorably addressed many issues raised by the community.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-SU-015, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 1, 2004.

Commissioners Byers and Hart seconded the motion which carried unanimously.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2004-SU-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 16, 2004 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioners Byers and Hart seconded the motion which carried unanimously.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE SIX HUNDRED FOOT MAXIMUM LENGTH OF PRIVATE STREET.

Commissioners Byers and Hart seconded the motion which carried unanimously.

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RZ/FDP 2004-PR-008 - EDGEMOORE LAND, LLC - Appls. to rezone from R-1 to PDH-2 to permit residential development at a density of 1.24 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the W. side of Hunter Rd. N. of its intersection with Stolen Moments Terr. on approx. 4.84 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 48-2 ((1)) 3. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire of Walsh, Colucci, Lubeley, Emrich & Terpak PC, reaffirmed the affidavit dated October 12, 2004. There were no disclosures by Commission members.

Lindsay Shulenberger, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Strobel explained that the proposed density was within the recommendation of the Comprehensive Plan and that the applicant had addressed compatibility concerns previously raised by staff. In addition, she stated driveway access to Hunter Road had been eliminated and

a waiver of frontage improvements would be requested to preserve the existing character of the roadway. She noted the proposed landscape plan included new plantings as well as the transplantation of trees from portions of the property to the open space areas. Ms. Strobel said the proffers included contributions to the Park Authority and the Housing Trust Fund and the construction of a noise barrier along I-66. She added that the application had the support of the Briarwood Civic Association and that the applicant was in agreement with their additional requests concerning construction hours and the Park Authority contribution. She requested that the proposed development condition restricting the construction of decks in yards abutting Hunter Road be eliminated since the homes would be located a considerable distance from the road with no driveway access. She acknowledged that this issue had to be resolved before the Planning Commission made a decision on these applications.

Ms. Shulenberger and Ms. Strobel responded to a question from Commissioner Hart about the orientation of the house on lot number 2.

Steve Grant, an engineer with Bowman Consulting Group, Ltd., responded to a question from Commissioner Harsel about the length of the driveway for the house on lot number 2.

Chairman Murphy called for speakers from the audience, but received no response. He noted there was no need for a rebuttal statement. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED TO DEFER THE DECISION ONLY FOR RZ 2004-PR-008 AND FOR FDP 2004-PR-008 TO A DATE CERTAIN OF DECEMBER 9, 2004.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote.

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RZ 2004-MV-019 - GBI CORPORATION - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.49 dwelling units per acre (du/ac). Located in the N.W. quadrant of Sydenstricker Rd. and the Fairfax Co. Pkwy. on approx. 7.29 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 89-3 ((1)) 20 and 21A. MT. VERNON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Terpak PC, reaffirmed the affidavit dated September 14, 2004. There were no disclosures by Commission members.

Kristen Crookshank, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Strobel explained the subject property was the last remaining property to be completed in the community. She noted the applicant, after working with the community and the staff, had made changes to the proposed development including the dedication of a tree preservation area and the redesign of proposed lot number 6 to ensure there would be ample room for construction of a deck. Ms. Strobel reported proffers included contributions to the schools, parks, and the Housing Trust Fund, as well as construction of a noise attenuation wall. She noted the application had received support from the Mt. Vernon Planning and Zoning Committee.

Commissioner Byers noted a letter dated November 16, 2004 had been submitted for the record from Mr. and Mrs. Frank Abbruscato which expressed concerns about stormwater management issues. (A copy of the letter is in the date file.) Ms. Crookshank, in response to this, said that this matter had been addressed and there would be no negative impact on stormwater drainage.

Chairman Murphy called for speakers from the audience, but received no response. He noted there was no need for a rebuttal statement. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ 2004-MV-019, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED NOVEMBER 17, 2004.

Commissioner Hall seconded the motion which carried unanimously.

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The meeting was adjourned at 9:50 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on:

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission